

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court
Southern District of Texas
FILED

DEC 19 2018

United States of America

v.

Mitchell Gregory Shoemaker

Case No.

David J. Bradley, Clerk of Court

H18-2017M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 18, 2018 in the county of Montgomery in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 912
 18 USC 922(n)

Impersonating Officer or Employee of the United States
 Unlawful Acts - Possession of firearm by person under indictment

This criminal complaint is based on these facts:

See Attached.

☒ Continued on the attached sheet.


Complainant's signature

Aaron Sharp, Special Agent - DSS

Printed name and title

Sworn to before me and signed in my presence.

Date:

December 19, 2018

City and state:

Houston, TX



Judge's signature

Hon. Frances H. Stacy, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Aaron Sharp, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS), and have been since 2008. I have conducted investigations for this Department in New York City, New York; Islamabad, Pakistan; Managua, Nicaragua; and am currently assigned to the Diplomatic Security Service Houston Field Office in Houston, Texas. I have attended and successfully completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center; the Basic Special Agent Course, at the Diplomatic Security Training Center; and the U.S. Department of State Consular Officer and Fraud Prevention Manager courses at the Foreign Service Institute.
2. The information in this affidavit is based upon my own knowledge, records furnished to me in my official capacity and information provided by other law enforcement officials. This affidavit does not contain every material fact that I have learned during the course of this investigation, and is intended to show only that there is sufficient probable cause for the requested warrant.

INITIAL INVESTIGATION AND RESEARCH

3. On December 10, 2018, an individual identified as Mitchell Gregory Shoemaker, herein after "SHOEMAKER," presented himself as a DSS Special Agent before Magnolia Police Department Officers at Arnold's Range in Magnolia, Montgomery County, Texas.
4. On December 13, 2018 Homeland Security Investigations (HSI) Special Agent Laura Gill contacted DSS Special Agent Michael Hounsell regarding an individual believed to be

impersonating a DSS Special Agent. SA Hounsell contacted the DSS Command Center in Washington, D.C. which acts as a clearing house to verify the employment status of any DSS employee. Command Center did state on December 13, 2018 that Mitchell Gregory Shoemaker is not an employee of the Diplomatic Security Service.

5. The tip about this individual was produced by Lt. Kyle Montgomery of the Magnolia Police Department, who did not know anyone from DSS. He therefore requested assistance from HSI to locate a POC for DSS. On December 17, 2018, Lt. Montgomery stated to DSS agents that Mr. Shoemaker had identified himself as a DSS Special Agent to Magnolia Police Department law enforcement officers. He also stated that this took place on a law enforcement only range where Mr. Shoemaker stated he routinely trained Houston Police Department officers, and was willing to provide tactical training to officers of the Magnolia Police Department.
6. Arnold's Range is a privately-owned outdoor firearms range for law enforcement personnel only. Shoemaker circumvented this restriction by claiming to be a Federal law enforcement official and wearing law enforcement attire labeled "Police" and a golden metal belt badge with the letters "U.S."
7. Records checks show that Shoemaker is not employed in any capacity by the United States Government. This case was referred to DSS based upon the false representations made by Shoemaker to law enforcement officials and other persons.
8. On December 18, 2018, Shoemaker presented himself as a DSS Special Agent before Magnolia Police Department Officers, actual DSS Special Agents, and Your Affiant at Arnold's Range in Magnolia, Texas, in violation of Title 18 United States Code, Section 912. Shoemaker signed a range safety form in the name of "Mitchell Shoemaker,

Diplomatic Security.” Shoemaker wore upon his person a tactical vest with the word “POLICE” affixed to the back plate and possessed a metal belt badge bearing the seal of the Central Intelligence Agency, the words “Central Intelligence Agency, Special Activities Division, Special Agent,” the letters “U.S.” and the number “101” positioned in front of a loaded, holstered sidearm. Shoemaker removed the belt badge and placed it inside his vehicle.

9. Shoemaker then removed from his vehicle a shooting bag with a patch marked ‘POLICE’ down the side panel. Undercover DSS Special Agents, some wearing Magnolia Police Department badges, identified themselves as Magnolia Police Department law enforcement officers, to which he replied that he was a Special Agent with DSS. Shoemaker then began manipulating a Class 3 short barreled shotgun (SBS) while instructing undercover DSS Special Agents about how he utilized this weapon as a ‘DSS assaulter’ and member of a DSS tactical team. During this time, Shoemaker also produced multiple Class 3 Short Barreled Rifles (SBRs), Class 3 Suppressors, and four semi-automatic pistols from his vehicle. Shoemaker utilized these weapons and his body armor as props by stating that DSS had issued these items to him, and that he had even stolen a weapon mounted thermal optic from DSS.
10. Shoemaker went into great detail describing his roles and authorities as a Diplomatic Security Special Agent, how he was specifically recruited based on his previous experience as a U.S. Navy SEAL, and provided examples of his supposed job assignments to the Magnolia Police Department Officers and other actual DSS agents present at that time.
11. Your affiant, DSS SA Sharp, directly asked Mr. Shoemaker if he was a law enforcement officer, to which Shoemaker confirmed verbally, and then asked to see his badge which he

produced from his vehicle as the one described above in Section 7. Shoemaker was arrested by Magnolia Police Officers for violating Texas Penal Code 37.12 – False Identification as a Peace Officer; Misrepresentation of Property.

12. During his arrest, Shoemaker declared to Magnolia Police Officers and Your Affiant that he was in truth an employee of the Central Intelligence Agency, as depicted by his belt badge, on covert assignment to DSS and therefore should not be detained or arrested.
13. Records checks confirmed that Shoemaker is not employed by the Central Intelligence Agency.
14. Magnolia Police Officers noted to Your Affiant that the belt badge worn by Shoemaker on December 18, 2018 did not match the one which he was wearing at Arnold's Range on December 10, 2018.
15. On December 18, 2018 DSS Special Agents Daniel Gholston and Erik Nygren interviewed Chandler Hanson, hereafter "HANSON," who identified herself as the girlfriend of Shoemaker.
16. Hanson advised that she and Shoemaker live together at 12755 Mill Ridge Dr. Apartment #301, Cypress, TX 77429 where Shoemaker stores his possessions including, but not limited to, numerous firearms and what she described as "multiple" law enforcement badges which Shoemaker uses to identify himself as a DSS Special Agent. She also said that he has worn these badges outside of their home at times.
17. Shoemaker is currently on deferred adjudication in Harris County for a felony charge of Aggravated Assault Deadly Weapon. A condition of his community supervision is that he is not authorized to transport or possess any firearms or ammunition. By transporting and

possessing firearms at Arnold's Range on the above stated dates, Shoemaker violated 18 United States Code, Section 922(n).

18. One possible explanation for Shoemaker's use of law enforcement items would be to circumvent this probation restriction. Furthermore, Shoemaker transported several items, such as Short-Barreled Rifles and Firearms Suppressors, which are restricted under the National Firearms Act and other federal and state laws, to Arnold's Range on December 10, 2018 and again on December 18, 2018. DSS is coordinating with the Bureau of Alcohol, Tobacco, Firearms and Explosives to investigate if Shoemaker was attempting to use federal law enforcement authority to circumvent any of these laws.
19. Both Arnold's Range, where an act in violation of 18 United States Code, Section 912 occurred, and PREMISES where the evidence of this crime is believed to be found, are located in the Southern District of Texas.

THE VIOLATIONS OF LAW

1. Title 18 U.S.C. §912 - Officer or employee of the United States

“Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

2. Title 18 U.S.C. §922(n) - It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

CONCLUSION

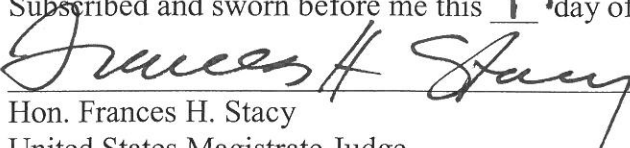
20. Based on the aforementioned information, I believe there is probable cause to believe **Mr. Shoemaker** violated the following statute Title 18, United States Codes, Sections 912 and 922(n).

Respectfully submitted,



Aaron Sharp, Special Agent
United States Department of State
Diplomatic Security Service

Subscribed and sworn before me this 19 day of December, 2018, *and I find probable cause*



Hon. Frances H. Stacy
United States Magistrate Judge